

109TH CONGRESS
2D SESSION

H. R. 4667

To provide greater transparency with respect to lobbying activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2006

Mr. FITZPATRICK of Pennsylvania introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Standards of Official Conduct, Rules, Resources, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide greater transparency with respect to lobbying activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Lobbying Transparency and Accountability Act of
6 2006”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENHANCING LOBBYING DISCLOSURE

- Sec. 101. Quarterly filing of lobbying disclosure reports.
- Sec. 102. Electronic filing of lobbying disclosure reports.
- Sec. 103. Public database of lobbying disclosure information.
- Sec. 104. Disclosure by registered lobbyists of all past executive and congressional employment.
- Sec. 105. Disclosure of grassroots activities by paid lobbyists.
- Sec. 106. Disclosure of lobbyist contributions and payments.
- Sec. 107. Increased penalty for failure to comply with lobbying disclosure requirements.
- Sec. 108. Disclosure of lobbying activities by certain coalitions and associations.

TITLE II—SLOWING THE REVOLVING DOOR

- Sec. 201. Amendments to restrictions on former officers, employees, and elected officials of the executive and legislative branches.
- Sec. 202. Additional employment rights.
- Sec. 203. Public disclosure by Members of Congress of employment negotiations.

TITLE III—CURBING EXCESSES IN PRIVATELY FUNDED TRAVEL AND LOBBYIST GIFTS

- Sec. 301. Requirement of full payment and disclosure of charter flights.
- Sec. 302. Valuation of tickets to sporting and entertainment events.
- Sec. 303. Ban on privately-funded travel.

TITLE IV—OVERSIGHT OF ETHICS AND LOBBYING

- Sec. 401. Comptroller General review and semiannual reports.

TITLE V—HOUSE RULES CHANGES

- Sec. 501. Earmarks.
- Sec. 502. Three-day layover requirement.

TITLE VI—POLITICAL ADVOCACY

- Sec. 601. Prohibition on the use of Federal funds for political advocacy.
- Sec. 602. Disclosure requirements.
- Sec. 603. Federal entity report.
- Sec. 604. Public accountability.
- Sec. 605. Severability.
- Sec. 606. First amendment rights preserved.

1 **TITLE I—ENHANCING LOBBYING**
2 **DISCLOSURE**

3 **SEC. 101. QUARTERLY FILING OF LOBBYING DISCLOSURE**
4 **REPORTS.**

5 (a) QUARTERLY FILING REQUIRED.—Section 5 of
6 the Lobbying Disclosure Act of 1995 (in this title referred
7 to as the “Act”) (2 U.S.C. 1604) is amended—

8 (1) in subsection (a)—

9 (A) by striking “Semiannual” and insert-
10 ing “Quarterly”;

11 (B) by striking “the semiannual period”
12 and all that follows through “July of each
13 year” and insert “the quarterly period begin-
14 ning on the first days of January, April, July,
15 and October of each year”; and

16 (C) by striking “such semiannual period”
17 and insert “such quarterly period”; and

18 (2) in subsection (b)—

19 (A) in the matter preceding paragraph (1),
20 by striking “semiannual report” and inserting
21 “quarterly report”;

22 (B) in paragraph (2), by striking “semi-
23 annual filing period” and inserting “quarterly
24 period”;

1 (C) in paragraph (3), by striking “semi-
2 annual period” and inserting “quarterly pe-
3 riod”; and

4 (D) in paragraph (4), by striking “semi-
5 annual filing period” and inserting “quarterly
6 period”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) DEFINITION.—Section 3(10) of the Act (2
9 U.S.C. 1602) is amended by striking “six month pe-
10 riod” and inserting “three-month period”.

11 (2) REGISTRATION.—Section 4 of the Act (2
12 U.S.C. 1603) is amended—

13 (A) in subsection (a)(3)(A), by striking
14 “semiannual period” and inserting “quarterly
15 period”; and

16 (B) in subsection (b)(3)(A), by striking
17 “semiannual period” and inserting “quarterly
18 period”.

19 (3) ENFORCEMENT.—Section 6(6) of the Act (2
20 U.S.C. 1605(6)) is amended by striking “semiannual
21 period” and inserting “quarterly period”.

22 (4) ESTIMATES.—Section 15 of the Act (2
23 U.S.C. 1610) is amended—

1 (A) in subsection (a)(1), by striking “semi-
2 annual period” and inserting “quarterly pe-
3 riod”; and

4 (B) in subsection (b)(1), by striking “semi-
5 annual period” and inserting “quarterly pe-
6 riod”.

7 (5) DOLLAR AMOUNTS.—

8 (A) REGISTRATION.—Section 4 of the Act
9 (2 U.S.C. 1603) is amended—

10 (i) in subsection (a)(3)(A)(i), by strik-
11 ing “\$5,000” and inserting “\$2,500”;

12 (ii) in subsection (a)(3)(A)(ii), by
13 striking “\$20,000” and inserting
14 “\$10,000”;

15 (iii) in subsection (b)(3)(A), by strik-
16 ing “\$10,000” and inserting “\$5,000”;
17 and

18 (iv) in subsection (b)(4), by striking
19 “\$10,000” and inserting “\$5,000”.

20 (B) REPORTS.—Section 5 of the Act (2
21 U.S.C. 1604) is amended—

22 (i) in subsection (c)(1), by striking
23 “\$10,000” and “\$20,000” and inserting
24 “\$5,000” and “\$10,000”, respectively; and

1 (ii) in subsection (c)(2), by striking
 2 “\$10,000” both places such term appears
 3 and inserting “\$5,000”.

4 **SEC. 102. ELECTRONIC FILING OF LOBBYING DISCLOSURE**
 5 **REPORTS.**

6 Section 5 of the Act (2 U.S.C. 1604) is amended by
 7 adding at the end the following:

8 “(d) ELECTRONIC FILING REQUIRED.—A report re-
 9 quired to be filed under this section shall be filed in elec-
 10 tronic form, in addition to any other form that may be
 11 required by the Secretary of the Senate or the Clerk of
 12 the House of Representatives.”.

13 **SEC. 103. PUBLIC DATABASE OF LOBBYING DISCLOSURE IN-**
 14 **FORMATION.**

15 (a) DATABASE REQUIRED.—Section 6 of the Act (2
 16 U.S.C. 1605) is amended—

17 (1) in paragraph (7), by striking “and” at the
 18 end;

19 (2) in paragraph (8), by striking the period and
 20 inserting “; and”; and

21 (3) by adding at the end the following:

22 “(9) maintain, and make available to the public
 23 over the Internet, without a fee or other access
 24 charge, in a searchable, sortable, and downloadable
 25 manner, an electronic database that—

1 “(A) includes the information contained in
2 registrations and reports filed under this Act;

3 “(B) directly links the information it con-
4 tains to the information disclosed in reports
5 filed with the Federal Election Commission
6 under section 304 of the Federal Election Cam-
7 paign Act of 1971 (2 U.S.C. 434); and

8 “(C) is searchable and sortable, at a min-
9 imum, by each of the categories of information
10 described in section 4(b) or 5(b).”.

11 (b) AVAILABILITY OF REPORTS.—Section 6(4) of the
12 Act is amended by inserting before the semicolon the fol-
13 lowing: “and, in the case of a report filed in electronic
14 form pursuant to section 5(d), shall make such report
15 available for public inspection over the Internet not more
16 than 48 hours after the report is filed”.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as may be
19 necessary to carry out paragraph (9) of section 6 of the
20 Act, as added by subsection (a).

21 **SEC. 104. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL**
22 **PAST EXECUTIVE AND CONGRESSIONAL EM-**
23 **PLOYMENT.**

24 Section 4(b)(6) of the Act (2 U.S.C. 1603) is amend-
25 ed by striking “or a covered legislative branch official”

1 and all that follows through “as a lobbyist on behalf of
 2 the client,” and inserting “or a covered legislative branch
 3 official,”.

4 **SEC. 105. DISCLOSURE OF GRASSROOTS ACTIVITIES BY**
 5 **PAID LOBBYISTS.**

6 (a) DISCLOSURE OF GRASSROOTS ACTIVITIES.—Sec-
 7 tion 3 of the Act (2 U.S.C. 1602) is amended—

8 (1) in paragraph (2), by inserting “or grass-
 9 roots lobbying activities” after “lobbying activities”
 10 both places it appears; and

11 (2) by adding at the end the following new
 12 paragraphs—

13 “(17) GRASSROOTS LOBBYING.—The term
 14 ‘grassroots lobbying’—

15 “(A) means any attempt to influence the
 16 general public, or segments thereof, to engage
 17 in lobbying contacts whether or not those con-
 18 tacts were made on behalf of a client; and

19 “(B) does not include any attempt de-
 20 scribed in subparagraph (A) by a person or en-
 21 tity directed to its members, employees, officers
 22 or shareholders, unless such attempt is financed
 23 with funds directly or indirectly received from
 24 or arranged by a retained registrant.

1 “(18) GRASSROOTS LOBBYIST.—The term
2 ‘grassroots lobbyist’ means any individual who is re-
3 tained by a client for financial or other compensa-
4 tion for services to engage in grassroots lobbying.

5 “(19) GRASSROOTS LOBBYING FIRM.—The term
6 ‘grassroots lobbying firm’—

7 “(A) means a person or entity that has 1
8 or more employees who are grassroots lobbyists
9 on behalf of a client other than that person or
10 entity; and

11 “(B) includes a self-employed individual
12 who is a grassroots lobbyist.

13 “(20) GRASSROOTS LOBBYING ACTIVITIES.—
14 The term ‘grassroots lobbying activities’ means
15 grassroots lobbying and efforts in support of grass-
16 roots lobbying, including preparation and planning
17 activities, research and other background work that
18 is intended, at the time it is performed, for use in
19 grassroots lobbying, and coordination with the lob-
20 bying activities or grassroots lobbying activities of
21 others.

22 “(21) LEADERSHIP PAC.—The term ‘leadership
23 PAC’ means, with respect to an individual holding
24 Federal office, an unauthorized political committee
25 which is associated with such individual.”.

1 (b) REGISTRATION.—Section 4(a) of the Act (2
2 U.S.C. 1603(a)) is amended—

3 (1) in paragraph (1), by striking “45” and in-
4 serting “20”;

5 (2) by redesignating paragraph (3) as para-
6 graph (4);

7 (3) by inserting after paragraph (2) the fol-
8 lowing:

9 “(3) GRASSROOTS LOBBYING.—Not later than
10 20 days after a grassroots lobbying firm first is re-
11 tained by a client to engage in grassroots lobbying,
12 such grassroots lobbying firm shall register with the
13 Secretary of the Senate and the Clerk of the House
14 of Representatives.”; and

15 (4) in paragraph (4)(A), as redesignated—

16 (A) by striking “paragraphs (1) and (2)”
17 and inserting “paragraphs (1), (2), and (3)”;
18 and

19 (B) in clause (i), by inserting “and grass-
20 roots lobbying activities” after “lobbying activi-
21 ties”.

22 (c) SEPARATE ITEMIZATION OF GRASSROOTS EX-
23 PENSES.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is
24 amended—

25 (1) in paragraph (3), by—

1 (A) inserting after “total amount of all in-
2 come” the following: “(including a separate
3 good faith estimate of the total amount relating
4 specifically to grassroots lobbying activities and,
5 within that amount, a good faith estimate of
6 the total amount specifically relating to grass-
7 roots lobbying through paid advertising)”;

8 (B) inserting “or a grassroots lobbying
9 firm” after “lobbying firm”;

10 (C) inserting “or grassroots lobbying ac-
11 tivities” after “lobbying activities” both places
12 it appears; and

13 (D) striking “and” after the semicolon;
14 (2) in paragraph (4), by—

15 (A) inserting after “total expenses” the
16 following: “(including a separate good faith es-
17 timate of the total amount relating specifically
18 to grassroots lobbying activities and, within
19 that total amount, a separate good faith esti-
20 mate of the total amount specifically relating to
21 grassroots lobbying through paid advertising)”;

22 (B) inserting “or grassroots lobbying ac-
23 tivities” after “lobbying activities” both places
24 it appears; and

1 (C) striking the period and inserting “;
2 and”; and

3 (3) by adding at the end the following:

4 “(5) in the case of a grassroots lobbying firm,
5 for each client—

6 “(A) a list of the specific issues upon
7 which the registrant engaged in grassroots lob-
8 bying activities, including, to the maximum ex-
9 tent practicable, a list of bill numbers and ref-
10 erences to specific executive branch activities;

11 “(B) the total disbursements made for
12 grassroots lobbying activities, and a subtotal for
13 disbursements made for grassroots lobbying
14 through paid advertising;

15 “(C) identification of each person or entity
16 who received a disbursement of funds for grass-
17 roots lobbying activities of \$10,000 or more
18 during the period and the total amount each
19 person or entity received; and

20 “(D) if such disbursements are made
21 through a person or entity who serves as an
22 intermediary or conduit, identification of each
23 such intermediary or conduit, identification of
24 the person or entity who receives the funds, and

1 the total amount each such person or entity re-
2 ceived.”.

3 (d) LARGE GRASSROOTS EXPENDITURE.—Section
4 5(a) of the Act (2 U.S.C. 1604(a)) is amended—

5 (1) by striking “No later” and inserting “Ex-
6 cept as provided in paragraph (2), not later”; and

7 (2) by adding at the end the following:

8 “(2) LARGE GRASSROOTS EXPENDITURE.—A
9 registrant that is a grassroots lobbying firm and
10 that receives income of, or spends or agrees to
11 spend, an aggregate amount of \$250,000 or more on
12 grassroots lobbying activities for a client, or for a
13 group of clients for a joint effort, shall file—

14 “(A) a report under this section not later
15 than 20 days after receiving, spending, or
16 agreeing to spend that amount; and

17 “(B) an additional report not later than 20
18 days after each time such lobbyist or lobbying
19 firm receives income of, or spends or agrees to
20 spend, an aggregate amount of \$250,000 or
21 more on grassroots lobbying activities for a cli-
22 ent, or for a group of clients for a joint effort.”.

1 **SEC. 106. DISCLOSURE OF LOBBYIST CONTRIBUTIONS AND**
2 **PAYMENTS.**

3 Section 5(b) of the Act (2 U.S.C. 1604(b)) is amend-
4 ed—

5 (1) in paragraph (4), by striking “and” after
6 the semicolon;

7 (2) in paragraph (5), by striking the period and
8 inserting a semicolon; and

9 (3) by adding at the end the following:

10 “(6) for each registrant (and for any political
11 committee, as defined in 301(4) of the Federal Elec-
12 tion Campaign Act of 1971 (2 U.S.C. 431(4)), affili-
13 ated with such registrant), and for each employee
14 listed as a lobbyist by a registrant under paragraph
15 (2)(C)—

16 “(A) the name of each Federal candidate
17 or officeholder, leadership PAC, or political
18 party committee, to whom a contribution was
19 made, and the date and amount of such con-
20 tribution; and

21 “(B) the name of each Federal candidate
22 or officeholder, or a leadership PAC of such
23 candidate or officeholder, or political party com-
24 mittee for whom a fundraising event was
25 hosted, cohosted, or otherwise sponsored, the

1 date and location of the event, and the total
2 amount raised by the event;

3 “(7) the name of each covered legislative
4 branch official or covered executive branch official
5 for whom the registrant or employee listed as a lob-
6 byist provided, or directed or arranged to be pro-
7 vided, any payment or reimbursements for travel
8 and related expenses in connection with the duties of
9 such covered official, including for each such offi-
10 cial—

11 “(A) an itemization of the payments or re-
12 imbursements provided to finance the travel
13 and related expenses and to whom the pay-
14 ments or reimbursements were made, including
15 any payment or reimbursement made with the
16 express or implied understanding or agreement
17 that such funds will be used for travel and re-
18 lated expenses;

19 “(B) the purpose and final itinerary of the
20 trip, including a description of all meetings,
21 tours, events, and outings attended;

22 “(C) the names of any registrant or indi-
23 vidual employed by the registrant who traveled
24 on any such trip;

1 “(D) the identity of official or listed spon-
2 sor of travel; and

3 “(E) the identity of any person or entity,
4 other than the listed sponsor of the travel,
5 which directly or indirectly provided for pay-
6 ment of travel and related expenses at the re-
7 quest or suggestion of the registrant or the em-
8 ployee;

9 “(8) the date, recipient, and amount of funds
10 contributed or disbursed by, or arranged by, a reg-
11 istrant or employee listed as a lobbyist—

12 “(A) to pay the costs of an event to honor
13 or recognize a covered legislative branch official
14 or covered executive branch official;

15 “(B) to, or on behalf of, an entity that is
16 named for a covered legislative branch official
17 or covered executive branch official, or to a per-
18 son or entity in recognition of such official;

19 “(C) to an entity established, financed,
20 maintained, or controlled by a covered legisla-
21 tive branch official or covered executive branch
22 official, or an entity designated by such official;
23 or

24 “(D) to pay the costs of a meeting, retreat,
25 conference or other similar event held by, or for

1 the benefit of, 1 or more covered legislative
2 branch officials or covered executive branch of-
3 ficials;

4 except that this paragraph shall not apply to any
5 payment or reimbursement made from funds re-
6 quired to be reported under section 304 of the Fed-
7 eral Election Campaign Act of 1971 (2 U.S.C. 434);
8 and

9 “(9) the date, recipient, and amount of any gift
10 (that under the rules of the House of Representa-
11 tives or Senate counts towards the one hundred dol-
12 lar cumulative annual limit described in such rules)
13 valued in excess of \$20 given by a registrant or em-
14 ployee listed as a lobbyist to a covered legislative
15 branch official or covered executive branch official.

16 For purposes of paragraph (9), the term ‘gift’ means a
17 gratuity, favor, discount, entertainment, hospitality, loan,
18 forbearance, or other item having monetary value. The
19 term includes gifts of services, training, transportation,
20 lodging, and meals, whether provided in kind, by purchase
21 of a ticket, payment in advance, or reimbursement after
22 the expense has been incurred.”.

1 **SEC. 107. INCREASED PENALTY FOR FAILURE TO COMPLY**
2 **WITH LOBBYING DISCLOSURE REQUIRE-**
3 **MENTS.**

4 Section 7 of the Lobbying Disclosure Act of 1995 (2
5 U.S.C. 1606) is amended by striking “\$50,000” and in-
6 serting “\$100,000”.

7 **SEC. 108. DISCLOSURE OF LOBBYING ACTIVITIES BY CER-**
8 **TAIN COALITIONS AND ASSOCIATIONS.**

9 (a) IN GENERAL.—Paragraph (2) of section 3 of the
10 Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is
11 amended to read as follows:

12 “(2) CLIENT.—

13 “(A) IN GENERAL.—The term ‘client’
14 means any person or entity that employs or re-
15 tains another person for financial or other com-
16 pensation to conduct lobbying activities or
17 grassroots lobbying activities on behalf of that
18 person or entity. A person or entity whose em-
19 ployees act as lobbyists on its own behalf if
20 both a client and an employer of such employ-
21 ees.

22 “(B) TREATMENT OF COALITIONS AND AS-
23 SOCIATIONS.—

24 “(i) IN GENERAL.—Except as pro-
25 vided in clause (ii), in the case of a coali-
26 tion or association of 2 or more groups

1 that retains a person to conduct lobbying
2 activities or grassroots lobbying activities,
3 each group whose total contribution to the
4 coalition or association in connection with
5 the lobbying activities or grassroots lob-
6 bying activities exceeds an aggregate of
7 \$10,000 during the reporting period is the
8 client along with the coalition or associa-
9 tion.

10 “(ii) EXCEPTION FOR CERTAIN TAX
11 EXEMPT ASSOCIATIONS.—In the case of an
12 association which is described in any para-
13 graph of section 501(c) of the Internal
14 Revenue Code of 1986 and exempt from
15 tax under section 501(a) of such Code, the
16 association (and not its members) shall be
17 treated as the client.

18 “(iii) MEMBERSHIP.—Nothing in this
19 paragraph shall be construed to require the
20 disclosure of any information about the
21 members of, or donors to, a group which is
22 treated as a client by this provision.”.

TITLE II—SLOWING THE REVOLVING DOOR

SEC. 201. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.

(a) VERY SENIOR EXECUTIVE PERSONNEL.—The matter after subparagraph (C) in section 207(d)(1) of title 18, United States Code, is amended by striking “within 1 year” and inserting “within 2 years”.

(b) MEMBERS OF CONGRESS, OFFICERS, AND EMPLOYEES OF THE LEGISLATIVE BRANCH.—Section 207(e) of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by striking “within 1 year” and inserting “within 2 years”;

(2) in paragraph (2)(A), by striking “within 1 year” and inserting “within 2 years”;

(3) in paragraph (3), by striking “within 1 year” and inserting “within 2 years”; and

(4) in paragraph (4)(A), by striking “within 1 year” and inserting “within 2 years”.

SEC. 202. ADDITIONAL EMPLOYMENT RIGHTS.

(a) IN GENERAL.—Section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C.

1 450i) is amended by striking subsection (j) and inserting
2 the following:

3 “(j) ADDITIONAL EMPLOYMENT RIGHTS.—

4 “(1) IN GENERAL.—Notwithstanding sections
5 205 and 207 of title 18, United States Code, an offi-
6 cer or employee of the United States assigned to an
7 Indian tribe under section 3372 of title 5, United
8 States Code, or section 2072 of the Revised Statutes
9 (25 U.S.C. 48), or an individual that was formerly
10 an officer or employee of the United States and who
11 is an employee of an Indian tribe employed to per-
12 form services pursuant to self-governance contracts
13 or compacts under this Act that the individual for-
14 merly performed for the United States, may commu-
15 nicate with and appear before any department, agen-
16 cy, court, or commission on behalf of the Indian
17 tribe with respect to any matter relating to the con-
18 tract or compact, including any matter in which the
19 United States is a party or has a direct and sub-
20 stantial interest.

21 “(2) NOTIFICATION OF INVOLVEMENT IN PEND-
22 ING MATTER.—An officer, employee, or former offi-
23 cer or employee described in paragraph (1) shall
24 submit to the head of each appropriate department,
25 agency, court, or commission, in writing, a notifica-

1 tion of any personal and substantial involvement the
2 officer, employee, or former officer or employee had
3 as an officer or employee of the United States with
4 respect to the pending matter.”.

5 (b) EFFECTIVE DATE.—The effective date of the
6 amendment made by this section shall be the date that
7 is 1 year after the date of enactment of this Act.

8 **SEC. 203. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS**
9 **OF EMPLOYMENT NEGOTIATIONS.**

10 (a) HOUSE OF REPRESENTATIVES.—The Code of Of-
11 ficial Conduct set forth in rule XXIII of the Rules of the
12 House of Representatives is amended by redesignating
13 clause 14 as clause 15 and by inserting after clause 13
14 the following new clause:

15 “14. A Member, Delegate, or Resident Commissioner
16 shall file with the Clerk of the House of Representatives
17 for public disclosure, a statement that he or she is negoti-
18 ating or has any arrangement concerning prospective em-
19 ployment if a conflict of interest or the appearance of a
20 conflict of interest may exist. Such statement shall be
21 made within 3 days after the commencement of such nego-
22 tiation or arrangement.”.

23 (b) SENATE.—Rule XXXVII of the Standing Rules
24 of the Senate is amended by adding at the end the fol-
25 lowing:

1 “13. A Member shall file with the Secretary of the
 2 Senate, for public disclosure, a statement that he or she
 3 is negotiating or has any arrangement concerning prospec-
 4 tive employment if a conflict of interest or the appearance
 5 of a conflict of interest may exist. Such statement shall
 6 be made within 3 days after the commencement of such
 7 negotiation or arrangement.”.

8 **TITLE III—CURBING EXCESSES**
 9 **IN PRIVATELY FUNDED TRAV-**
 10 **EL AND LOBBYIST GIFTS**

11 **SEC. 301. REQUIREMENT OF FULL PAYMENT AND DISCLO-**
 12 **SURE OF CHARTER FLIGHTS.**

13 (a) HOUSE OF REPRESENTATIVES.—

14 (1) IN GENERAL.—Clause 5(a)(3)(A) of rule
 15 XXV of the Standing Rules of the House of Rep-
 16 resentatives is amended by—

17 (A) inserting “(1)” after “(A)”; and

18 (B) adding at the end the following:

19 “(2) Market value for a flight on an airplane
 20 that is not licensed by the Federal Aviation Adminis-
 21 tration to operate for compensation or hire shall be
 22 the fair market value of a charter flight. The Com-
 23 mittee on Standards of Official Conduct shall make
 24 public information received under this subparagraph
 25 as soon as possible after it is received.”.

1 (2) DISCLOSURE.—Clause 5 of Rule XXV of
 2 the Standing Rules of the House of Representatives
 3 is amended by adding at the end the following:

4 “(g) A Member, officer, or employee who takes a
 5 flight described in paragraph (a)(3)(A)(2) shall, with re-
 6 spect to the flight, file a report with the Clerk of the
 7 House of Representatives for public disclosure within 10
 8 days after the flight—

9 “(1) the date of the flight;

10 “(2) the destination of the flight who else was
 11 on the flight, other than those operating the plane;
 12 and

13 “(3) the purpose of the trip.”.

14 (b) SENATE.—

15 (1) IN GENERAL.—Paragraph 1(c)(1) of rule
 16 XXXV of the Standing Rules of the Senate is
 17 amended by—

18 (A) inserting “(A)” after “(1)”; and

19 (B) adding at the end the following:

20 “(B) Market value for a flight on an airplane
 21 that is not licensed by the Federal Aviation Adminis-
 22 tration to operate for compensation or hire shall be
 23 the fair market value of a charter flight. The Select
 24 Committee on Ethics shall make public information

1 received under this subparagraph as soon as possible
 2 after it is received.”.

3 (2) DISCLOSURE.—Paragraph 1 of rule XXXV
 4 of the Standing Rules of the Senate is amended by
 5 adding at the end the following:

6 “(h) A Member, officer, or employee who takes a
 7 flight described in subparagraph (c)(1)(B) shall, with re-
 8 spect to the flight, file a report with the Secretary of the
 9 Senate for public disclosure within 10 days after the
 10 flight—

11 “(1) the date of the flight;

12 “(2) the destination of the flight;

13 “(3) who else was on the flight, other than
 14 those operating the plane; and

15 “(4) the purpose of the trip.”.

16 (c) CANDIDATES.—Subparagraph (B) of section
 17 301(8) of the Federal Election Campaign Act of 1971 (42
 18 U.S.C. 431(8)(B)) is amended by—

19 (1) in clause (xiii), striking “and” at the end;

20 (2) in clause (xiv), by striking the period and
 21 inserting “; and”; and

22 (3) by adding at the end the following :

23 “(xv) any travel expense for a flight
 24 on an airplane that is not licensed by the
 25 Federal Aviation Administration to operate

1 for compensation or hire, but only if the
 2 candidate or the candidate's authorized
 3 committee or other political committee
 4 pays within 7 days after the date of the
 5 flight to the owner, lessee, or other person
 6 who provides the use of the airplane an
 7 amount not less than the normal and usual
 8 charter fare or rental charge for a com-
 9 parable commercial airplane of appropriate
 10 size.”.

11 **SEC. 302. VALUATION OF TICKETS TO SPORTING AND EN-**
 12 **TERAINMENT EVENTS.**

13 (a) IN GENERAL.—For a covered executive branch
 14 official, a gift of a ticket to a sporting or entertainment
 15 event shall be valued at the face value of the ticket, pro-
 16 vided that in the case of a ticket without a face value,
 17 the ticket shall be valued at the highest cost of a ticket
 18 with a face value for the event.

19 (b) SENATE.—Paragraph 1(b)(1) of Rule XXXV of
 20 the Standing Rules of the Senate is amended by—

21 (1) inserting “(A)” after “(1)”; and

22 (2) adding at the end the following:

23 “(B) A gift of a ticket to a sporting or en-
 24 tertainment event shall be valued at the face
 25 value of the ticket, provided that in the case of

1 a ticket without a face value, the ticket shall be
 2 valued at the highest cost of a ticket with a face
 3 value for the event.”.

4 (c) HOUSE.—Clause 5(a)(2)(A) of Rule XXV of the
 5 Standing Rules of the House of Representatives is amend-
 6 ed by—

7 (1) inserting “(i)” after “(A)”; and

8 (2) adding at the end the following:

9 “(ii) A gift of a ticket to a sporting or
 10 entertainment event shall be valued at the
 11 face value of the ticket, provided that in
 12 the case of a ticket without a face value,
 13 the ticket shall be valued at the highest
 14 cost of a ticket with a face value for the
 15 event.”.

16 **SEC. 303. BAN ON PRIVATELY-FUNDED TRAVEL.**

17 Clause 5 of rule XXV of the Rules of the House of
 18 Representatives is amended by adding at the end the fol-
 19 lowing:

20 “(g) Notwithstanding any other provision of this
 21 clause, no Member, Delegate, Resident Commissioner, of-
 22 ficer, or employee of the House may accept a gift of travel
 23 (including any transportation, lodging, and meals during
 24 such travel) from any private source.”.

TITLE IV—OVERSIGHT OF ETHICS AND LOBBYING

SEC. 401. COMPTROLLER GENERAL REVIEW AND SEMI- ANNUAL REPORTS.

(a) ONGOING REVIEW REQUIRED.—The Comptroller General shall review on an ongoing basis the activities carried out by the Clerk of the House of Representatives and the Secretary of the Senate under section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605). The review shall emphasize—

(1) the effectiveness of those activities in securing the compliance by lobbyists with the requirements of that Act; and

(2) whether the Clerk and the Secretary have the resources and authorities needed for effective oversight and enforcement of that Act.

(b) SEMIANNUAL REPORTS.—Twice yearly, not later than January 1 and not later than July 1 of each year, the Comptroller General shall submit to Congress a report on the review required by subsection (a). The report shall include the Comptroller General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

(1) improve the compliance by lobbyists with the requirements of that Act; and

1 (2) provide the Clerk and the Secretary with
2 the resources and authorities needed for effective
3 oversight and enforcement of that Act.

4 **TITLE V—HOUSE RULES**
5 **CHANGES**

6 **SEC. 501. EARMARKS.**

7 Rule XXI of the Rules of the House of Representa-
8 tives is amended by adding at the end the following new
9 clause:

10 “7. It shall not be in order to consider a general ap-
11 propriation bill, a bill making supplemental appropria-
12 tions, or a joint resolution continuing appropriations, or
13 amendment thereto or conference report thereon, if—

14 “(1) the report accompanying such bill or joint
15 resolution or the joint explanatory statement of
16 managers accompanying a conference report on the
17 bill or joint resolution contains any earmarks; or

18 “(2) such bill or joint resolution contains any
19 earmark and does not set forth the name of the
20 Member requesting the earmark and the congres-
21 sional district that contains the subject of the ear-
22 mark.”.

1 **SEC. 502. THREE-DAY LAYOVER REQUIREMENT.**

2 Clause 8(a)(1)(A) of the Rules of the House of Rep-
 3 resentatives is amended by inserting “and on the Internet
 4 to the general public” before the semicolon.

5 **TITLE VI—POLITICAL ADVOCACY**

6 **SEC. 601. PROHIBITION ON THE USE OF FEDERAL FUNDS**
 7 **FOR POLITICAL ADVOCACY.**

8 (a) LIMITATIONS.—Notwithstanding any other provi-
 9 sion of law, the following limitations apply to any grant
 10 which is made from funds appropriated under this or any
 11 other Act or controlled under any congressional authoriza-
 12 tion until Congress provides specific exceptions in subse-
 13 quent Acts:

14 (1) No grantee may use funds from any grant
 15 to engage in political advocacy.

16 (2) No grant applicant may receive any grant
 17 if its expenditures for political advocacy for any one
 18 of the previous five Federal fiscal years exceeded its
 19 prohibited political advocacy threshold (but no Fed-
 20 eral fiscal year before 1996 shall be considered). For
 21 purposes of this title, the prohibited political advo-
 22 cacy threshold for a given Federal fiscal year is to
 23 be determined by the following formula:

24 (A) calculate the difference between the
 25 grant applicant’s total expenditures made in a

1 given Federal fiscal year and the total grants it
2 received in that Federal fiscal year;

3 (B) for the first \$20,000,000 of the dif-
4 ference calculated in (A), multiply by .05;

5 (C) for the remainder of the difference cal-
6 culated in (A), multiply by .01;

7 (D) the sum of the products described in
8 (B) and (C) equals the prohibited political ad-
9 vocacy threshold.

10 (3) During any one Federal fiscal year in which
11 a grantee has possession, custody or control of grant
12 funds, the grantee shall not use any funds (whether
13 derived from grants or otherwise) to engage in polit-
14 ical advocacy in excess of its prohibited political ad-
15 vocacy threshold for the prior Federal fiscal year.

16 (4) No grantee may use funds from any grant
17 to purchase or secure any goods or services (includ-
18 ing dues and membership fees) from any other indi-
19 vidual, entity, or organization whose expenditures
20 for political advocacy for the previous Federal fiscal
21 year exceeded 15 percent of its total expenditures
22 for that Federal fiscal year.

23 (5) No grantee may use funds from any grant
24 for any purpose (including but not limited to extend-
25 ing subsequent grants to any other individual, enti-

1 ty, or organization) other than to purchase or secure
2 goods or services, except as specifically permitted by
3 Congress in the law authorizing the grant.

4 (6) Any individual, entity, or organization that
5 awards or administers a grant shall take reasonable
6 steps to ensure that the grantee complies with the
7 requirements of this title. Reasonable steps to en-
8 sure compliance shall include written notice to a
9 grantee that it is receiving a grant, and that the
10 provisions of this title apply to the grantee.

11 (b) ENFORCEMENT.—The following enforcement pro-
12 visions apply with respect to the limitations imposed under
13 subsection (a):

14 (1) Each grantee shall be subject to audit from
15 time to time as follows:

16 (A) Audits may be requested and con-
17 ducted by the General Accounting Office or
18 other auditing entity authorized by Congress,
19 including the inspector general of the Federal
20 entity awarding or administering the grant.

21 (B) Grantees shall follow generally accept-
22 ed accounting principles in keeping books and
23 records relating to each grant and no Federal
24 entity may impose more burdensome accounting

1 requirements for purposes of enforcing this
2 title.

3 (C) A grantee that engages in political ad-
4 vocacy shall have the burden of proving, by
5 clear and convincing evidence, that it is in com-
6 pliance with the limitations of this section.

7 (2) Violations by a grantee of the limitations
8 contained in subsection (a) may be enforced and the
9 grant may be recovered in the same manner and to
10 the same extent as a false or fraudulent claim for
11 payment or approval made to the Federal Govern-
12 ment pursuant to sections 3729 through 3812 of
13 title 31, United States Code.

14 (3) Any officer or employee of the Federal Gov-
15 ernment who awards or administers funds from any
16 grant to a grantee who is not in compliance with
17 this section shall—

18 (A) for knowing or negligent noncompli-
19 ance with this section, be subjected to appro-
20 priate administrative discipline, including, when
21 circumstances warrant, suspension from duty
22 without pay or removal from office; and

23 (B) for knowing noncompliance with this
24 section, pay a civil penalty of not more than

1 \$5,000 for each improper disbursement of
2 funds.

3 (c) DEFINITIONS.—For purposes of this title:

4 (1) POLITICAL ADVOCACY.—The term “political
5 advocacy” includes—

6 (A) carrying on propaganda, or otherwise
7 attempting to influence legislation or agency ac-
8 tion, including, but not limited to monetary or
9 in-kind contributions, endorsements, publicity,
10 or similar activity;

11 (B) participating or intervening in (includ-
12 ing the publishing or distributing of statements)
13 any political campaign on behalf of (or in oppo-
14 sition to) any candidate for public office, includ-
15 ing but not limited to monetary or in-kind con-
16 tributions, endorsements, publicity, or similar
17 activity;

18 (C) participating in any judicial litigation
19 or agency proceeding (including as an amicus
20 curiae) in which agents or instrumentalities of
21 Federal, State, or local governments are par-
22 ties, other than litigation in which the grantee
23 or grant applicant: is a defendant appearing in
24 its own behalf; is defending its tax-exempt sta-
25 tus; or is challenging a government decision or

1 action directed specifically at the powers, rights,
2 or duties of that grantee or grant applicant;
3 and

4 (D) allocating, disbursing, or contributing
5 any funds or in-kind support to any individual,
6 entity or organization whose expenditures for
7 political advocacy for the previous Federal fiscal
8 year exceeded 15 percent of its total expendi-
9 tures for that Federal fiscal year.

10 (2) INFLUENCE LEGISLATION OR AGENCY AC-
11 TION.—

12 (A) GENERAL RULE.—Except as otherwise
13 provided in subparagraph (B), the term “influ-
14 ence legislation or agency action” includes—

15 (i) any attempt to influence any legis-
16 lation or agency action through an attempt
17 to affect the opinions of the general public
18 or any segment thereof, and

19 (ii) any attempt to influence any legis-
20 lation or agency action through commu-
21 nication with any member or employee of
22 a legislative body or agency, or with any
23 government official or employee who may
24 participate in the formulation of the legis-
25 lation or agency action.

1 (B) EXCEPTIONS.—The term “influence
2 legislation or agency action” does not include—

3 (i) making available the results of
4 nonpartisan analysis, study, research, or
5 debate;

6 (ii) providing technical advice or as-
7 sistance (where such advice would other-
8 wise constitute the influencing of legisla-
9 tion or agency action) to a governmental
10 body or to a committee or other subdivi-
11 sion thereof in response to a written re-
12 quest by such body or subdivision, as the
13 case may be;

14 (iii) communications between the
15 grantee and its bona fide members with re-
16 spect to legislation, proposed legislation,
17 agency action, or proposed agency action
18 of direct interest to the grantee and such
19 members, other than communications de-
20 scribed in subparagraph (C);

21 (iv) any communication with a govern-
22 mental official or employee; other than—

23 (I) a communication with a mem-
24 ber or employee of a legislative body
25 or agency (where such communication

1 would otherwise constitute the influ-
2 encing of legislation or agency action);
3 or

4 (II) a communication the prin-
5 cipal purpose of which is to influence
6 legislation or agency action; and

7 (v) official communications by employ-
8 ees of State or local governments, or by or-
9 ganizations whose membership consists ex-
10 clusively of State or local governments.

11 (C) COMMUNICATIONS WITH MEMBERS.—

12 (i) A communication between a grant-
13 ee and any bona fide member of such orga-
14 nization to directly encourage such member
15 to communicate as provided in paragraph
16 (2)(A)(ii) shall be treated as a (2)(A)(ii)
17 communication by the grantee itself.

18 (ii) A communication between a
19 grantee and any bona fide member of such
20 organization to directly encourage such
21 member to urge persons other than mem-
22 bers to communicate as provided in either
23 clause (i) or (ii) of paragraph (2)(A) shall
24 be treated as a communication described in
25 paragraph (2)(A)(i).

1 (3) The term “legislation” includes the intro-
2 duction, amendment, enactment, passage, defeat,
3 ratification, or repeal of Acts, bills, resolutions, trea-
4 ties, declarations, confirmations, articles of impeach-
5 ment, or similar items by the Congress, any State
6 legislature, any local council or similar governing
7 body, or by the public in a referendum, initiative,
8 constitutional amendment, recall, confirmation, or
9 similar procedure.

10 (4) The term “grant” includes the provision of
11 any Federal funds, appropriated under this or any
12 other Act, or other thing of value to carry out a pub-
13 lic purpose of the United States, except: the provi-
14 sion of funds for acquisition (by purchase, lease or
15 barter) of property or services for the direct benefit
16 or use of the United States, or the payments of
17 loans, debts, or entitlements; or the provision of
18 funds to an Article I or III court.

19 (5) The term “grantee” includes any recipient
20 of any grant. The term shall not include any state
21 or local government, but shall include any recipient
22 receiving a grant (as defined by subsection c(4))
23 from a state or local government.

24 (6) The term “agency action” includes the defi-
25 nition contained in section 551 of Title 5, United

1 States Code, and includes action by state or local
2 government agencies.

3 (7) The term “agency proceeding” includes the
4 definition contained in section 551 of Title 5, United
5 States Code, and includes proceedings by state or
6 local government agencies.

7 **SEC. 602. DISCLOSURE REQUIREMENTS.**

8 (a) Not later than December 31 of each year, a grant-
9 ee shall provide (via either electronic or paper medium)
10 to each Federal entity that awarded or administered its
11 grant an annual report for the prior Federal fiscal year,
12 certified by the grantee’s chief executive officer or equiva-
13 lent person of authority, and setting forth: the grantee’s
14 name, the grantee’s identification number, and—

15 (1) a statement that the grantee did not engage
16 in political advocacy; or,

17 (2) a statement that the grantee did engage in
18 political advocacy, and setting forth for each grant—

19 (A) the grant identification number;

20 (B) the amount or value of the grant (in-
21 cluding all administrative and overhead costs
22 awarded);

23 (C) a brief description of the purpose or
24 purposes for which the grant was awarded;

1 (D) the identity of each Federal, state and
2 local government entity awarding or admin-
3 istering the grant, and program thereunder;

4 (E) the name and grantee identification
5 number of each individual, entity, or organiza-
6 tion to whom the grantee made a grant;

7 (F) a brief description of the grantee's po-
8 litical advocacy, and a good faith estimate of
9 the grantee's expenditures on political advocacy;

10 (G) a good faith estimate of the grantee's
11 prohibited political advocacy threshold.

12 (b) OMB COORDINATION.—The Office of Manage-
13 ment and Budget shall develop by regulation one stand-
14 ardized form for the annual report that shall be accepted
15 by every Federal entity, and a uniform procedure by which
16 each grantee is assigned one permanent and unique grant-
17 ee identification number.

18 **SEC. 603. FEDERAL ENTITY REPORT.**

19 Not later than May 1 of each calendar year, each
20 Federal entity awarding or administering a grant shall
21 submit to the Bureau of the Census a report (standardized
22 by the Office of Management and Budget) setting forth
23 the information provided to such Federal entity by each
24 grantee during the preceding Federal fiscal year, and the
25 name and grantee identification number of each grantee

1 to whom it provided written notice under section
2 601(a)(6). The Bureau of the Census shall make this
3 database available to the public through the Internet.

4 **SEC. 604. PUBLIC ACCOUNTABILITY.**

5 (a) Any Federal entity awarding a grant shall make
6 publicly available any grant application, audit of a grant-
7 ee, list of grantees to whom notice was provided under
8 section 601(a)(6), annual report of a grantee, and that
9 Federal entity's annual report to the Bureau of the Cen-
10 sus.

11 (b) The public's access to the documents identified
12 in section 604(a) shall be facilitated by placement of such
13 documents in the Federal entity's public document reading
14 room and also by expediting any requests under section
15 552 of title 5, United States Code, the Freedom of Infor-
16 mation Act as amended, ahead of any requests for other
17 information pending at such Federal entity.

18 (c) Records described in section (a) shall not be sub-
19 ject to withholding except under exemption (b)(7)(A) of
20 section 552 of title 5, United States Code.

21 (d) No fees for searching for or copying such docu-
22 ments shall be charged to the public.

23 **SEC. 605. SEVERABILITY.**

24 If any provision of this title or the application thereof
25 to any person or circumstance is held invalid, the remain-

1 der of this title and the application of such provision to
2 other persons and circumstances shall not be affected
3 thereby.

4 **SEC. 606. FIRST AMENDMENT RIGHTS PRESERVED.**

5 Nothing in this title shall be deemed to abridge any
6 rights guaranteed under the first amendment of the
7 United States Constitution, including freedom of speech,
8 or of the press; or the right of the people peaceably to
9 assemble, and to petition the Government for a redress
10 of grievances.

○